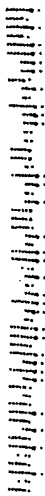


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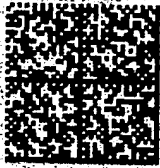
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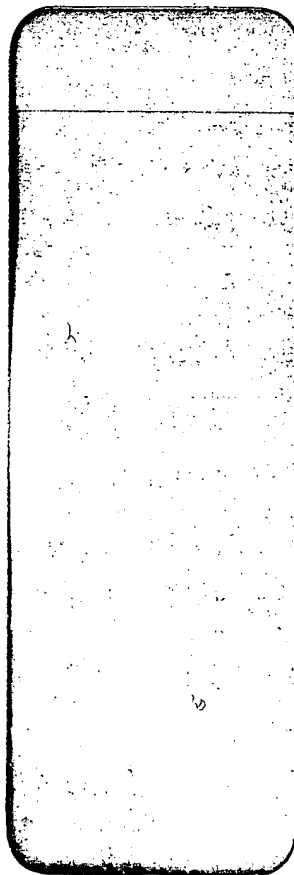
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,004	01/24/2001	David Smith	S1022/8602	3814

7590 06/29/2004
James H. Morris
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/29/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JUL 1 6 2004

Technology Center 2100

Office Action Summary

Application No.

09/769,004

Applicant(s)

SMITH, DAVID1

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17-18 are amended, claims 19-38 are newly added in the amendment filed on 04/12/04. Claims 1-38 are pending in this application.

Response to Arguments

2. Applicant's arguments filed 04/12/04 have been fully considered but they are not persuasive.

The applicant also argues "Reber fails to teach or suggest at least using said selected file locator for identifying a first dependent file and identifying one or more other files on which first file is dependent."

The examiner disagrees with the above argument. Reber suggests "at any time after the system is initialized the MFM has an internal abbreviation (i.e., a log or set of records) of all the media that is known to be accessible to it, and where and how that material may be retrieved. The internal abbreviation is contained in the media database built by the MFM. When a client of the MFM requests information or access to actual media, MFM uses its internal abbreviation of the media available to determine a media source that will serve as a satisfactory response to the client request." The log or a set of records based on these abbreviation the media files are being retrieved which corresponding to claim limitation wherein the dependent files are the retrieved file and the log or set of records are file identifier which the dependent files depended on.

Claims 2-9 are rejected the same reason as claim 1.

The applicant also argues "Reber fails to disclose or suggest at least a plurality of file locators each associated with a respective data stored in said database and arranged to identify a first data dependent file in said associated data store and one or more other file in said database on which said first dependent."

The examiner respectfully disagrees with the above argument. The discussion have been addressed above wherein the file locators are the a log or set of records which allow the retrieval of all media which the media belonged to.

Please see discussion for claim 17-18.

All other dependent claims are rejected under the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 6, 8, 10-12, 14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (6,061,758).

Regarding on claims 1 and 10, Reber teaches a method of operating a computer system to validate the data stored in a plurality of data files in a database each of said data files having an associated file type and being arranged in a plurality of data stored

in said database, wherein at least one of said data files is a data dependent file containing data dependent data in one or more other files of said data store, said method comprising the step of:

 Selecting a file locator which is associated with a respective one data store in said data store in said data base (col. 5, lines 44-47);

 Using said selected file locator (a source identifier or "id") identifying a first dependent file and identifying locator identifying a first dependent file and identifying one or more other files (linked list) on which said first file is dependent (col. 5, lines 52-56);

 For each identified file, selecting a first file reader associated with the file type (type of media or audio) of the identified file (col. 5, lines 48-49);

 using each said selected first file reader, determining a predetermined parameter of said identified file (col. 6, lines 28-32);

 Comparing the predetermined parameter from the first file with that from the or each other file (col. 5, lines 20-35); and

 Responsive to said comparison step, providing an output signal for each data file indicating whether the data file is valid (col. 5, lines 35-42).

Reber does not explicitly teach the dependent file. However, Reber teaches, "this specific source request is unique and the system works on the concept that identifiers exist that separately identify any source medium" (col. 4, lines 42-45). In addition, Reber also teaches, "this identifier represents the dynamic link or binding of a client's need for media and the actual source of media to be used" (col. 4, lines 57-60).

This teaches dependent file is the data depended on the identifier. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify media data that depending on the identifier as taught in Reber in order to allow the user to search for the depend data based on the identification.

Regarding on claims 3, 20 and 28, Reber teaches for each data storage generating a list therein containing an entry for each first dependent file in the data store, said entry including a first record having details of the first dependent file (col. 5, lines 53-56).

Regarding on claims 4, 21 and 29, Reber teaches each entry in said list further includes a further record for each other identified file upon which the dependent file depends (col. 5, lines 53-56).

Regarding on claims 6, 23, 14 and 31, Reber teaches the predetermined parameter comprises the date on which the data file was last modified (col. 5, lines 28-32).

Regarding on claims 8, 25 and 33, Reber teach identifying every said first dependent file in said data storage (col. 5, lines 25-30).

Regarding on claim 11, Reber teaches in each data store, at least one file which can be located and which contains dependency information which enables dependent files and said other files (file list) in the data stored to be identified (col. 5, lines 52-54);
and

Means provided to locate said located file (col. 5, lines 56-57).

Regarding on claim 12, Reber teaches a file reader associated with the located file which is adapted to provide a list in the data store (file list) (col. 5, lines 52-54), said list having an entry for each dependent file having details contained in the located file and including a record in said entry for said dependent file together with a further record for each other file upon which the dependent file depends (col. 5, lines 56-63).

Regarding on claims 35-38, Reber teaches each of the plurality of data stores is of a different type and wherein the step of selecting a file locator further comprises: selecting a different file locator for each store of a different type (col. 4, lines 65-67).

Claim 17 is rejected same reason as to claim 1, in addition Reber also teaches, computer program code means, when said program is loaded to make the computer perform a method to validate data stored in a plurality of data files in a database each of said data files having an associated file type and being arranged in a plurality of data stores in said database, wherein at least one of said data files is a data dependent file containing data dependent on data one or more other files of said data store (col. 4, lines 46-55).

Claim 18 is rejected same reason as to claims 1 and 17.

Art Unit: 2172

4. Claims 7, 15, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (6,061,758) in view of Goss et al. (US. Patent No. 4,667,290).

Regarding on claims 7, 15, 24 and 32, Reber discloses the claimed subject matter except the claimed predetermined parameter is a UNIX time data stamp. However, Goss teaches, "field 3 and 4 each contain 4-byte long integers which are time stamp in UNIX system format. The first time stamp is the file creation data, the second is the date of last modification" (col. 12, lines 39-42). This teaches the time stamp is the UNIX time stamp. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Reber to include time stamp of Goss in order allow the file in the UNIX file system to be validated before processing it.

5. Claims 9, 26 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (6,061,758) and in view of Nelson et al. (US. Patent No. 5,778,390).

Regarding on claims 9, 26 and 34, Reber discloses the claimed subject matter, as discussed above, except the claimed data store is a data base library. However, Nelson teaches, "file management system 20 is operable to manage the database files 19 and 23 in the test environments 22 and 24. More specifically, file management system 20 may act as a library, allowing database files to be checked out, edited and checked in" (col. 4, lines 1-5). This teaches the database is the storage area to store and allow to check in and out. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the system of Reber to

include the data stored in the library as taught by Nelson in order to allow the file to be check out, edit and check in after requested for processing.

6. Claims 2, 5, 13, 19, 22, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (US. Patent No. 6,061,758) in view of Larson et al. (US. Patent No. 6,369,709).

Regarding on claims 5,13, 22 and 30, Reber discloses the claimed subject matter, as discussed above, except the claimed selecting the file locator from a file locator means which contains a plurality of file locators except for selecting a file reader from file reader means which contain a plurality of file readers. However, Larson teaches, "the microprocessor 60 determines whether the library patron identified by the bar code on the library card read by the reader 18 has previously been determined to be block patron" (col. 11, lines 42-45). This teaches the reader 18 is selected to be the reader. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify system of Reber to include reader to read the barcode as taught by Larson in order to allow the system to validate if the file is valid for processing.

Regarding on claims 2, 19 and 27, Reber teaches locating, via said file locator, files which contain dependency information; for each located file, selecting a second file reader associated with the file type of the located file. However, Reber does not explicitly second file reader identifying said first dependent file and each other file on

which the first file depends. On the other hand, Larson teaches, "the microprocessor 60 determines whether the library patron identified by the bar code on the library card read by the reader 18 has previously been determined to be block patron" (col. 11, lines 42-45). This teaches there is more than one reader 18 in the library to read the library card. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the system of Reber to include more than one reader 18 in order to allow the system to read other data type in order to provide the validation for the file to be processed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

Baoquoc N. To
June 23, 2004


Jean M Corrieus
Primary Examiner
Art Unit 8172

USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21st Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) **provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions** via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) **cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions** (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

Schedule

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at ebc@uspto.gov.

Other Options

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

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REFERENCES**

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: http://www.uspto.gov/ebc/registration_pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

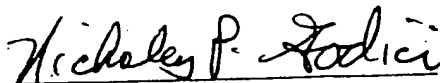
Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>. Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at EBC@uspto.gov.

Date. 12/1/03


Nicholas P. Godici
Commissioner for Patents